

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2/22/11</u> 08 Civ. 5996 (VM)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 TWANA ADAMS, et al., :
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 Plaintiffs, :
 :
 - against - :
 :
 NEW YORK STATE EDUCATION DEPARTMENT: :
 et al., :
 :
 Defendants. :
 -----X

CORRECTED ORDER

VICTOR MARRERO, United States District Judge.

Before the Court is the response of Attorney Joy Hochstadt ("Hochstadt") to the Report and Recommendation dated December 8, 2010 that was issued by Magistrate Judge Andrew Peck recommending that the Court impose sanctions pursuant to Federal Rule of Civil Procedure 11 on the attorneys for plaintiffs in this action, Hochstadt and Nicholas Penkovsky. Rather than submitting objections by means of the standard and customary memorandum of law, and complying with the Court's 25-page limitation on briefs provided for such purposes, Hochstadt filed¹ a three-part "Declaration" that fills 60 pages, accompanied by an eight-page summary and another 54 pages containing bank statements and other records of Hochstadt's financial accounts. Hochstadt did not seek leave

¹ In this Corrected Order, a mistaken reference to Hochstadt having submitted her Declaration by fax has been deleted.

of the Court to file such an unorthodox set of papers, effectively either ignoring or consciously seeking to evade this District's Local Rules and the Court's Individual Practices. The Court further notes that Hochstadt filed her Declaration with the Clerk of the Court on February 15, 2011, one day after the deadline of February 14, 2011 imposed by the Court on January 26, 2011 when it granted Hochstadt the second of two extensions with the admonition that no further extensions would be permitted. Accordingly, the Court will reject Hochstadt's submission and direct that it be returned to her without entry in the public record.


ORDER

For the reasons stated above, it is hereby

ORDERED that the Clerk of Court is directed to reject the filing and return the papers submitted to the Court by Attorney Joy Hochstadt on February 15, 2011 in response to the Report and Recommendation of Magistrate Judge Andrew Peck dated December 8, 2010.

SO ORDERED.

Dated: NEW YORK, NEW YORK
18 February 2011



Victor Marrero
U.S.D.J.